

AMENDED IN SENATE AUGUST 19, 2003

AMENDED IN SENATE JULY 21, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1124

Introduced by Assembly Member Nunez

(Coauthors: Assembly Members Berg, Bermudez, Calderon, Chan, Chavez, Chu, Cohn, Corbett, Diaz, Dutra, Dymally, Firebaugh, Frommer, Goldberg, Hancock, Jackson, Kehoe, Koretz, Laird, Leno, Levine, Lieber, Longville, Lowenthal, Montanez, Mullin, Nakano, Negrete McLeod, Parra, Pavley, Ridley-Thomas, Salinas, Steinberg, Vargas, Wiggins, and Yee)

(Coauthors: Senators Alarcon, Romero, and Soto)

February 21, 2003

~~An act to amend Sections 17070.75 and 17584 of the Education Code~~
act to add Sections 17070.755 and 17584.3 to the Education Code,
relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1124, as amended, Nunez. School facilities maintenance and repair.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law requires the board to require a participating school to keep state-funded facilities in good repair, to establish a restricted facilities maintenance account within the school district's general fund, and to deposit an amount equal to 3% of the school district's general fund into the fund for maintenance of the facility pursuant to a prescribed priority.

This bill would require that a priority for the use of that maintenance funding be to ensure that facilities, including, but not limited to, restroom facilities for pupils, are functional and that they meet local hygiene standards generally applicable to public facilities.

(2) Existing law authorizes a school district to establish a restricted fund known as the "district deferred maintenance account" for the purpose of major repair or replacement of school facilities systems.

Existing law requires the State Allocation Board to allocate, within prescribed limits, matching state funding from the State School Deferred Maintenance Fund to applicant school districts for this purpose.

This bill would require that a priority for use of the state funds be to ensure that facilities, including, but not limited to, restroom facilities for pupils, are functional and that they meet local hygiene standards generally applicable to public facilities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 17070.75 of the Education Code is~~
- 2 *SECTION 1. Section 17070.755 is added to the Education*
- 3 *Code, immediately following Section 17070.75, to read:*
- 4 *17070.755. A priority for the use of funds in the restricted*
- 5 *account established pursuant to Section 17070.75, shall be to*
- 6 *ensure that facilities, including, but not limited to, restroom*
- 7 *facilities for pupils, are functional and that they meet local hygiene*
- 8 *standards generally applicable to public facilities.*
- 9 *SEC. 2. Section 17584.3 is added to the Education Code, to*
- 10 *read:*
- 11 *17584.3. (a) A priority for use of funds appropriated*
- 12 *pursuant to Section 17584 shall be to ensure that facilities,*
- 13 *including, but not limited to, restroom facilities for pupils, are*



1 *functional and that they meet local hygiene standards generally*
2 *applicable to public facilities.*

3 *(b) This section does not authorize the use of funds apportioned*
4 *pursuant to Section 17584 for regular operational and*
5 *maintenance costs of restrooms and other facilities. The funds*
6 *apportioned pursuant to Section 17584 may only be used for the*
7 *deferred maintenance of those facilities consistent with*
8 *subdivision (a) of Section 17582.*

9 ~~amended to read:~~

10 ~~17070.75. (a) The board shall require the school district to~~
11 ~~make all necessary repairs, renewals, and replacements to ensure~~
12 ~~that a project is at all times kept in good repair, working order, and~~
13 ~~condition. All costs incurred for this purpose shall be borne by the~~
14 ~~school district.~~

15 ~~(b) In order to ensure compliance with subdivision (a) and to~~
16 ~~encourage school districts to maintain all buildings under their~~
17 ~~control, the board shall require an applicant school district to do~~
18 ~~all of the following prior to the approval of a project:~~

19 ~~(1) Establish a restricted account within the school district's~~
20 ~~general fund for the exclusive purpose of providing moneys for~~
21 ~~ongoing and major maintenance of school buildings. A priority for~~
22 ~~use of funds in the account shall be to ensure that facilities,~~
23 ~~including, but not limited to, restroom facilities for pupils, are~~
24 ~~functional and that they meet local hygiene standards generally~~
25 ~~applicable to public facilities.~~

26 ~~(2) Agree to deposit into the account established pursuant to~~
27 ~~paragraph (1), in each fiscal year for 20 years after receipt of funds~~
28 ~~under this chapter, a minimum amount equal to or greater than 3~~
29 ~~percent of the applicant school district's total general fund~~
30 ~~expenditures, including other financing uses, for that fiscal year.~~
31 ~~Annual deposits to the fund established pursuant to paragraph (1)~~
32 ~~in excess of 2½ percent of the district general fund budget may~~
33 ~~count towards the district's matching funds requirement necessary~~
34 ~~to receive apportionments from the State School Deferred~~
35 ~~Maintenance Fund pursuant to Section 17584 to the extent that~~
36 ~~funds are used for purposes that qualify for funding under that~~
37 ~~section. In addition, any district contribution to this fund may be~~
38 ~~provided in lieu of meeting the ongoing maintenance requirements~~
39 ~~pursuant to Section 17014 to the extent the funds are used for~~
40 ~~purposes established in that section. A school district that serves~~

1 as the administrative unit for a special education local plan area
2 may elect to exclude from its total general fund expenditures, for
3 purposes of this paragraph, the distribution of revenues that are
4 passed through to participating members of the special education
5 local plan area. This paragraph is applicable only to the following
6 school districts:

7 (A) High school districts with an average daily attendance
8 greater than 300 pupils.

9 (B) Elementary school districts with an average daily
10 attendance greater than 900 pupils.

11 (C) Unified school districts with an average daily attendance
12 greater than 1,200 pupils.

13 (3) ~~Certify that it has publicly approved an ongoing and major~~
14 ~~maintenance plan that outlines the use of the funds deposited, or~~
15 ~~to be deposited, pursuant to paragraph (2). The plan may provide~~
16 ~~that the district need not expend all of its annual allocation for~~
17 ~~ongoing and major maintenance in the year in which it is deposited~~
18 ~~if the cost of major maintenance requires that the allocation be~~
19 ~~carried over into another fiscal year. However, any state funds~~
20 ~~carried over into a subsequent year may not be counted toward the~~
21 ~~annual minimum contribution by the district. A plan developed in~~
22 ~~compliance with this section shall be deemed to meet the~~
23 ~~requirements of Section 17585.~~

24 (e) ~~A district to which paragraph (2) of subdivision (b) does not~~
25 ~~apply shall certify to the board that it can reasonably maintain its~~
26 ~~facilities with a lesser level of maintenance.~~

27 (d) ~~For the purposes of calculating a county office of education~~
28 ~~requirement pursuant to this section, the 3 percent maintenance~~
29 ~~requirement shall be calculated based upon the county office of~~
30 ~~education general fund less any restricted accounts.~~

31 SEC. 2. ~~Section 17584 of the Education Code is amended to~~
32 ~~read:~~

33 17584. ~~(a) The State Allocation Board shall apportion, from~~
34 ~~the State School Deferred Maintenance Fund, to school districts an~~
35 ~~amount equal to one dollar (\$1) for each one dollar (\$1) of local~~
36 ~~funds up to a maximum of 1/2 percent of the district's second prior~~
37 ~~fiscal year revenue limit average daily attendance multiplied by~~
38 ~~the average, per unit of second prior fiscal year average daily~~
39 ~~attendance, of the total expenditures and ending fund balances of~~
40 ~~the total general funds and adult education funds for districts of~~

1 similar size and type, as defined in subdivision (b) of Section
2 42238.4, for the second prior fiscal year, exclusive of any amounts
3 expended for capital outlay, debt service, or revenues that are
4 passed through to other local education agencies, to the extent of
5 funds available.

6 (b) In order to be eligible to receive state aid pursuant to
7 subdivision (a), no district shall be required to budget from local
8 district funds an amount greater than $\frac{1}{2}$ percent of the district's
9 second prior fiscal year revenue limit average daily attendance,
10 multiplied by the average, per unit of second prior fiscal year
11 average daily attendance, of the total expenditures and ending fund
12 balances of the total general funds and adult education funds for
13 districts of similar size and type, as defined in subdivision (b) of
14 Section 42238.4 for the second prior fiscal year, exclusive of any
15 amounts expended for capital outlay, debt service, or revenues that
16 are passed through to other local education agencies.

17 (c) The apportionment of funds specified in subdivision (a)
18 shall be made by the State Allocation Board after December 1 of
19 each fiscal year.

20 (d) (1) A priority for use of the funds apportioned pursuant to
21 this section shall be to ensure that facilities, including, but not
22 limited to, restroom facilities for pupils, are functional and that
23 they meet local hygiene standards generally applicable to public
24 facilities.

25 (2) This subdivision does not authorize the use of funds
26 apportioned pursuant to this section for regular operational and
27 maintenance costs of restrooms and other facilities. The funds
28 apportioned pursuant to this section may be used only for the
29 deferred maintenance of those facilities consistent with
30 subdivision (a) of Section 17582.